

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Mark Fultz,

Plaintiff,

v.

The Brick, LLC,

Defendant.

Civil Action No.: **2:21-cv-3140-BHH**

NOTICE OF REMOVAL

COMES NOW Defendant The Brick, LLC (“Defendant”), by and through its undersigned counsel, and files this Notice of Removal in the above-captioned action pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. In support of removal, Defendant respectfully asserts the following:

1. Plaintiff filed his Summons and Complaint in the Court of Common Pleas for the State of South Carolina, Charleston County, Civil Action No. 2021-CP-10-03632, on August 6, 2021. A copy of the Summons and Complaint is attached as **Exhibit A**. Defendant has received no other process, pleadings, or orders.

2. Defendant was served with a copy of the Summons and Complaint on September 1, 2021. Accordingly, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

3. The United States District Court for the District of South Carolina, Charleston Division, is the federal judicial district embracing the Charleston County Court of Common Pleas, where this action was originally filed and where the events alleged in the Complaint are said to have occurred. Thus, venue is proper in this Court under 28 U.S.C. § 1441(a).

4. Pursuant to 28 U.S.C. § 1446(d), Defendant is concurrently filing a Notice of Filing Notice of Removal with the Clerk of Court for the Charleston County Court of Common Pleas and

serving Plaintiff with a copy of this Notice of Removal and a copy of the Notice of Filing Notice of Removal.

5. As explained below, this Court has jurisdiction over this action based on federal question jurisdiction pursuant to 28 U.S.C. § 1331.

6. Therefore, this action may be removed to this Court under 28 U.S.C. § 1441(a)-(c).

FEDERAL QUESTION JURISDICTION

7. Plaintiff's Complaint alleges violations of the Americans with Disabilities Act ("ADA") and various federal regulations implemented under the ADA. Plaintiff alleges no state law claims. (*See generally* Compl.).

8. Plaintiff's claims pursuant to the ADA arise solely under the laws of the United States and could have originally been brought before this Court pursuant to 28 U.S.C. § 1441(a).

9. Therefore, this Court has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331, and this action may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

LOCAL CIVIL RULE REQUIREMENTS

10. Defendant has complied with the requirements of Rules 83.IV.01 and 83.IV.02 of the Local Civil Rules of the United States District Court for the District of South Carolina.

11. Defendant has also complied with Local Civil Rule 26.01 by filing an Answer to Local Civil Rule 26.01 Interrogatories simultaneously with this Notice of Removal.

WHEREFORE, Defendant prays that the above action now pending in the Court of Common Pleas for the State of South Carolina, Charleston County, be removed to this Court.

Dated: September 27, 2021

/s/ William H. Foster

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and served the foregoing via electronic mail upon the following counsel of record:

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